REMARKS

Prior to entry of this paper, Claims 1-45 were pending. Claims 1-45 were rejected. In this paper, Claims 1-2, 4-5, 7, 10-12, 18, 20-23, 26, 28-32, 35-38, and 40-45 are amended; Claims 8 and 33 are cancelled. No Claims are added. Claims 1-7, 9-32, and 34-45 are currently pending. No new matter is added by way of this amendment. For at least the following reasons, Applicants respectfully submit that each of the presently pending claims is in condition for allowance.

II. Claim Rejections - 35 U.S.C. § 103

Claims 1-4, 8-12, 14, 15, 26-30, 35-38 and 40-45 were rejected under 35 U.S.C. 103(a) as being unpatentable over Aura, U.S. Patent No. 6,947,725 in view of Jamtgaard, U.S. Patent No. 6,430,624. Claims 5, 18, 20-22 and 24 were rejected under 35 U.S.C. 103(a) as being unpatentable over Aura in view of Jamtgaard, further in view of Wilf, U.S. Patent No. 6,496,824. Claims 6, 7, 16, 17, 31, 33 and 34 were rejected under 35 U.S.C. 103(a) as being unpatentable over Aura in view of Jamtgaard, further in view Laraki, U.S. Patent Publication No. 2003/0233329. Claims 13 and 39 were rejected under 35 U.S.C. 103(a) as being unpatentable over Aura in view of Jamtgaard, further in view of Kindberg, U.S. Patent Publication No. 2003/0061515. Claims 19 and 23 were rejected under 35 U.S.C. 103(a) as being unpatentable over Aura in view of Jamtgaard and Wilf, further in view of Laraki. Claim 25 was rejected under 35 U.S.C. 103(a) as being unpatentable over Aura in view of Jamtgaard and Wilf, further in view of Kindberg. Applicants respectfully traverse these rejections.

Applicants submit that the rejections of claims 1-7, 9-32, and 34-45 is improper because the cited prior art references fail to teach or suggest each of the claim limitations. For amended claim 1, for example, the combination fails to teach or suggest at least:

> receiving a gateway group identifier for a carrier gateway that is associated
> with the mobile device request, using the gateway group identifier,
> determining if the carrier gateway is trustable above a defined level, and if the
> trusted mobile device identifier associated with the mobile device is received
> and the carrier gateway is trustable above the defined level, then determining

at least a first level of trust associated with the mobile device... (Emphasis added).

Amendments to at least claim 1 are fully supported in Applicants' specification as originally filed at least on page 3 lines 18-24; page 7 lines 21-26; and page 12 lines 9-20.

The pending Office Action indicates that Aura teaches receiving gateway information, wherein the gateway information is associated with a carrier gateway for the mobile device, and determining the at least one level of trust based, in part, on the associated information and the gateway information. However, Applicants submit that Aura fails to teach a gateway group identifier for the carrier gateway that is used to determine if the carrier gateway is trustable above the defined level. Instead, what Aura teaches are global identifiers, such as a home IP address which is used to identify mobile IP nodes, a Media Access Controller (MAC) address which is associated with the mobile node's network controller, or a GSM IMSI. See Aura, Col. 13 line 64- Col. 14 line 5. Such global identifiers identify the mobile device or features of the mobile device, and not the carrier gateway. Moreover, throughout Aura, each of the credentials discussed (see, for example, Col. 5 lines 58 – Col. 6 line 13) are directed toward credentials about and for the mobile device. For example, Aura states that the credential informs other entities within the mobile access network 101 (particularly other base stations) that any mobile node that knows the secret credential key Kcred (or the secret part of the public key P_{kcred}) should be trusted. See Aura, Col. 5 lines 58-62. Aura further notes that trust parameters are used that specify any information that base station 1 wishes to pass on to base station 2 (or any other base station). Exemplary trust parameters may include without limitation the date and time of the previous full authentication or payment, amount of total previous payments, or a credit rating associated with the mobile node. Aura provides further examples, none of which include a gateway group identifier associated with the carrier gateway – or useable to determine a trust of the carrier gateway itself. See Aura, Col. 9 line 43 to Col. 10 line 27.

Nowhere does Aura mention or even suggest using a gateway group identifier that is usable to determine whether to trust the carrier gateway. This is because Aura is directed towards determining a trust of the mobile device, independent of determining a trust of the base stations, or carrier gateways. See Aura, Summary of the Invention, Col. 1 lines 60 – Col. 2 line 5. Moreover, both Laraki and

Jamtgaard fail to also teach or suggest at least such limitations. For example, Laraki merely teaches a user identifier (UID), which uniquely identifier the user on the wireless device and not the carrier gateway. See Laraki, paragraphs, 33-37, 46-52, and 56-72.

The failure of an asserted combination to teach or suggest each and every feature of a claim remains fatal to an obviousness rejection under 35 U.S.C. §103, despite any recent revision to the Manual of Patent Examining Procedure (MPEP). In this instance, the cited prior art references fail to teach or suggest using the gateway group identifier, determining if the carrier gateway is trustable above a defined level, and further if the trusted mobile device identifier associated with the mobile device is received and the carrier gateway is trustable above the defined level, then determining at least a first level of trust associated with the mobile device. Thus, the cited prior art references, alone or in combination, fails to establish a required *prima facie* case of obviousness.

Independent claims 18, 26, 35, 41, and 45 include similar, albeit different, features to independent Claim 1. Thus, Applicants respectfully submit that the cited references do not support a *prima facie* rejection of at least the pending independent claims for at least the same reasons as stated above. Applicants respectfully request that at least claims 1, 18, 26, 35, 41, and 45 be allowed to issue.

In addition, Claims 2-7, and 9-17 depend from Claim 1; Claims 19-25 depend from Claim 18; Claims 27-32 and 34 depend from Claim 26; Claims 36-40 depend from Claim 35; and Claims 42-44 depend from Claim 41. Therefore, for at least the same reasons as their respective independent claims, each of the dependent claims is also allowable. Thus, Applicant respectfully submits that Claims 1-7, 9-32, and 34-45 are in condition for allowance, and should be allowed to issue.

III. Applicants Responses To Office Action Response

The pending Office Action notes that Applicant indicates that the levels of trust are not based on performing accesses or other operations, but submits that sending a request to the server for content is an explicit request, and thus appears to be opposite of Applicants are arguing. In response, Applicants wish to clarify that what was intended was that no additional communications with the mobile device occurs,

as the request included sufficient information – a capability of the mobile device – to determine whether the mobile device is capable of accepting a cookie and/or interacting with a URL. See Applicants' specification at least at page 3 lines 15-16; page 5 lines 4-8; and page 11 lines 22-24.

Moreover, while Jamtgaard may appear to teach determining a capability of a client device, the combination of Jamtgaard with Aura fails to teach selecting such levels of authentication based on a capability of the mobile device. Instead, Aura teaches that "mobile node 202 may have achieved changing (e.g., decreasing or escalating) levels of authentication through multiple authentication operations during its interaction with the base station 200. Such levels of authentication are not based on a capability of the client device, but rather are based on <u>accesses of different levels of services</u> during its communications with the base station 200." See Aura, Col. 7, lines 52-58. (Emphasis added). Accessing different levels of services to change a level of authentication is not the same as determining different multiple levels of trust based on a single request that includes a capability of the mobile device. Nor does "multiple" <u>accesses</u> of different levels of services teach or even suggest a "single" request from a mobile device as recited in at least claim 1.

In addition, such a combination is inconsistent with Aura, and may improperly change the principle operation of Aura. Aura is about transmitting of credentials to define or parameterize the levels of trust granted to the mobile device during credential authentication access. See Aura Col. 5 lines 58-64. Such credentials from one base station to another base station would likely fail or simply overlook changes in a capability of a mobile device, should a user of the mobile device select to change a capability of a mobile device – such as enabling cookies. Thus, embedding in credentials, which is the principle mode of operation of Aura, the mobile device capability information would be ineffective. Thus, each base station would have to individually determine a capability of a mobile device in Aura. This modification of the principle of operation of Aura is improper. It is a well known tenet that if a proposed modification or combination (Aura with Jamtgaard) would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious. *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959); see also MPEP § 2143.01 VI.
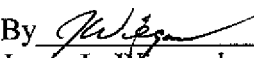
Moreover, the Applicants respectfully submit that Jamtgaard's providing a virtual browser in absence of such capability by the mobile device is inconsistent with determining a trust level based on not having such capabilities (interacting with a URL, for example) in the mobile device. Thus, Jamtgaard would have to be further improperly modified with Aura (which fails to test on such capabilities or to set a level of trust based on such capability.). Thus, Applicants continue to submit that the cited prior art references, alone or in combination fail to render the pending claims obvious. Applicants respectfully request that the rejections be withdrawn.

CONCLUSION

It is respectfully submitted that each of the presently pending claims (Claims 1-45) is in condition for allowance and notification to that effect is requested. Examiner is invited to contact the Applicants' representative at the below-listed telephone number if it is believed that the prosecution of this application may be assisted thereby. Although only certain arguments regarding patentability are set forth herein, there may be other arguments and reasons why the claimed invention is patentable. Applicants reserve the right to raise these arguments in the future.

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Respectfully submitted,

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